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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,320	06/08/2000	Martin J Hannon	D-0023-PC(142-98)	1546

7590

11/20/2002

Michael E Carmen Esq
Dilworth & Barrese LLP
333 Earle Ovington Blvd
Uniondale, NY 11553

EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 11/20/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on 7/30/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-7, 10-19 & 22-24 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-7, 10-19 & 22-24 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

This Office action is in response to the amendment filed July 30, 2002 in which claims 8, 9, 20 and 21 were canceled and claims 1, 10, 15, 16 and 22 were amended.

The previous rejection of the claims under 35 USC 112, second paragraph is withdrawn in view of the amendment to the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear if the language "heterocyclic atoms" should read -- heterocyclic group -- or -- hetero atoms --. Clarification and correction are required.

The rejections of the claims under 35 USC 102 are withdrawn in view of the amendment to the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-19, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Materne (US 6,273,163) in view of EP 479526.

Materne teaches a rubber composition (tire tread) comprising 100 parts by weight of at least one diene-based elastomer, such as conjugated dienes co- and homopolymers and copolymers of conjugated dienes and aromatic vinyl compounds; 10-96% of at least one reinforcing filler, such as carbon black, alumina, and silica based fillers selected from precipitated silica, alumino silicate, etc.; an organosilane polysulfide and a 0.5-4 phr of a vulcanization accelerator, such as an alkyl thiuram disulfide (see abstract; col. 4, lines 29-46; col. 9, lines 42-50; col. 10, lines 13-33; col. 11, lines 30-48; col. 14, lines 20-44). The organosilane polysulfides include compounds such as bis(3-triethoxysilyl propyl) trisulfide (see col. 10, lines 59-65). Materne teaches the limitations of the claims other than the differences that are discussed below.

In the first aspect, Materne differs from the claims in that he does not specifically teach that the thiuram disulfide accelerator has 8 to 18 carbon atoms in the alkyl groups (claims 1 and 16). However, EP teaches this difference.

EP teaches rubber compositions wherein an alkyl thiuram disulfide is used as the accelerator. The carbon atom count in the alkyl groups of the compound is 9 (see abstract).

It would have been obvious to one of ordinary skill in the art to have included an alkyl thiuram disulfide containing at least 8 carbon atoms because Materne especially desires such compounds and EP teaches that these compounds impart excellent scorching stability and thermoresistant properties to the rubber.

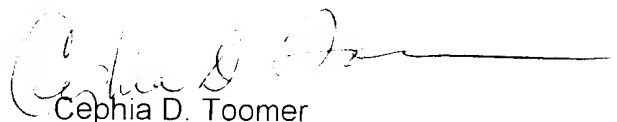
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In the second aspect, Materne and EP differ from the claims in that they do not specifically teach that the alkyl group contains between 12 and 14 carbon atoms. However, EP teaches a homologue of the claimed compound and homologues are generally of sufficiently close structural similarity that there is a presumed expectation that such compounds possess similar properties. It would appear to be the case because applicant's thiuram disulfides and those of EP have the same utility.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 703-308-2509. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Cephia D. Toomer
Primary Examiner
Art Unit 1714

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November 19, 2002